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WORLD CONFERENCE ON HUMAN RIGHTS
Vienna, 14-25 June 1993
Agenda items 9, 10, 11 and 12

GENERAL DEBATE ON THE PROGRESS MADE IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS AND ON THE IDENTIFICATION OF OBSTACLES TO FURTHER PROGRESS IN THIS AREA AND WAYS IN WHICH THEY CAN BE OVERCOME

CONSIDERATION OF THE RELATIONSHIP BETWEEN DEVELOPMENT, DEMOCRACY AND THE UNIVERSAL ENJOYMENT OF ALL HUMAN RIGHTS, KEEPING IN VIEW THE INTERRELATIONSHIP AND INDIVISIBILITY OF ECONOMIC, SOCIAL, CULTURAL, CIVIL AND POLITICAL RIGHTS

CONSIDERATION OF CONTEMPORARY TRENDS IN AND NEW CHALLENGES TO THE FULL REALIZATION OF ALL HUMAN RIGHTS OF WOMEN AND MEN, INCLUDING THOSE OF PERSONS BELONGING TO VULNERABLE GROUPS

RECOMMENDATIONS FOR:

(a) STRENGTHENING INTERNATIONAL COOPERATION IN THE FIELD OF HUMAN RIGHTS IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS AND WITH INTERNATIONAL HUMAN RIGHTS INSTRUMENTS;

(b) ENSURING THE UNIVERSALITY, OBJECTIVITY AND NON-SELECTIVITY OF THE CONSIDERATION OF HUMAN RIGHTS ISSUES;

(c) ENHANCING THE EFFECTIVENESS OF UNITED NATIONS ACTIVITIES AND MECHANISMS;

(d) SECURING THE NECESSARY FINANCIAL AND OTHER RESOURCES FOR UNITED NATIONS ACTIVITIES IN THE AREA OF HUMAN RIGHTS

Joint declaration of the independent experts responsible for the special procedures for the protection of human rights

The special rapporteurs, representatives, experts and members or chairmen of working groups of the Commission on Human Rights met together from 14 to 16 June 1993 on the occasion of the World Conference on Human Rights and adopted the following Joint Declaration. The Declaration was presented by Mr. B.W. Ndiaye, special rapporteur on extrajudicial, summary or arbitrary executions, to the World Conference at its tenth plenary meeting on 17 June 1993.

COMMISSION ON HUMAN RIGHTS:
JOINT DECLARATION OF THE INDEPENDENT EXPERTS RESPONSIBLE FOR THE SPECIAL PROCEDURES FOR THE PROTECTION OF HUMAN RIGHTS

I have the honour to address you on behalf of my fellow independent experts who serve as special rapporteurs, representatives, experts, members or chairmen of working groups of the public procedures of the Commission on Human Rights. Being responsible for implementing these special procedures, as they are called, of the United Nations Human Rights Programme, we feel that it is appropriate to take stock of our work on the occasion of this important World Conference on Human Rights.

As the Conference considers all that has been achieved by the United Nations in nearly half a century, it may be said that the standard-setting process in the area of human rights is one of the major accomplishments of the Organization. The catalogue of human rights standards is a testimonial to the many and persistent efforts — albeit with sometimes uncertain results — that have brought us to this point. But we must beware of complacency, for all that has been achieved is now being put to the test, and the people of the world are watching to see if the will of the United Nations is as strong as its word. The time has come to improve the effectiveness of the work accomplished and to give it greater weight.

Despite what has been achieved, the pain and suffering that persist — close to the very place where we sit — do not allow us to celebrate; rather, they incite us to put into practice this impressive catalogue of human rights standards. Certainly, there is still some refining of standards to attend to, but this is an ongoing process and may, in fact, be assisted by the already considerable experience we have gained in implementing existing norms over the last two decades, during which a fine web of implementation mechanisms was carefully spun. The system of special procedures holds a prominent place on the front line of the international monitoring of universal standards. It falls to us to address many of the most serious violations in the most difficult situations.

The special procedures of the Commission now number well over 20. We are 34 independent experts from 23 countries and all continents who have been nominated to carry out these procedures. We represent a wide range of cultures, legal systems and professions. Eight of use come from Africa, eight come from Latin America, six come from Asia, seven from Western Europe and

five from Eastern Europe. In general, our mandates are divided between those which address specific rights or subjects ▌ the thematic procedures ▌ and those which address specific human rights situations in one country or region.

It may be recalled that this system has its origins in the 1960s, when it was found necessary to react to the persistence of the system of apartheid. Despite some progress, that repugnant system has yet to be fully eradicated, and racism and discrimination still exist in numerous parts of the world. Having responded to the odious and audacious affront to humanity that is apartheid, the United Nations was, and still is, compelled to respond to intolerance elsewhere. Procedures to address other types of massive human rights violations in other countries and regions followed. In recent years, the system has been broadened through the creation of new thematic procedures concerning, for example, the dramatic situation of displaced persons or the fight against religious intolerance.

This broad range of procedures constitutes a unique and crucial element in the implementation of the body of specific standards that have been adopted by universal consensus through the United Nations General Assembly. While it may never have been conceived as a "system", the evolving collection of these procedures and mechanisms now clearly constitutes and functions as a system of human rights protection. Over the years, the area of concern has been enlarged step by step, techniques have been discovered and refined, and new methods of work have been adopted.

Our task is clear: what we do is render the international norms that have been developed more operative. We do not merely deal with theoretical questions, but strive to enter into constructive dialogues with Governments and to seek their cooperation as regards concrete situations, incidents and cases. The core of our work is to study and investigate in an objective manner with a view to understanding the situations and recommending to Governments solutions to overcome the problem of securing respect for human rights. Certainly, we have a delicate task when we undertake <u>in situ</u> investigations and when we take testimonies in circumstances that often involve risks for the witnesses, if not for ourselves.

The ability to intercede with Governments at the highest level, in a timely and urgent fashion, represents real progress. Urgent interventions take place on a regular basis when there is still a hope of preventing possible violations of the rights to life, physical and mental integrity, and security of person. This type of intervention has saved lives, and continues to save lives. Moreover, we are sometimes able to intervene on purely humanitarian grounds to protect people against violations.

Apart from the specifics of our respective mandates, we would like the Conference to underline the more general scope and significance of our mission within the United Nations system. In our reports we strive to encourage States to comply with the principles and purposes of the Charter of the United Nations, in order to establish or restore peace through justice. We devote ourselves, our knowledge and our experience to seek to ensure that the work produces concrete results.

Obviously, what I have described above does not exist solely because of the efforts and good will of the special rapporteurs. In truth, the system relies heavily ▮ we rely heavily ▮ on the support structure of the Centre for Human Rights which is dramatically over-burdened. If we want the special procedures system to remain credible, we must strengthen the support structure of the extra-conventional supervisory mechanisms. One thing is clear: nothing meaningful can be done without very solid support. The structure must be capable of painstakingly examining and processing each and every piece of information, analysing developments and cases, and studying policies and trends. Human rights work, if it is to be done seriously, requires attention to detail and a deep understanding of the circumstances of each situation and each case. A truly professional approach is not only in the interest of those in need of our help, but also necessary in order to assure justice for all concerned, including, of course, the Governments.

In order to strengthen the system, it is necessary to examine some of its shortcomings. Since our tasks invariably depend upon the quality of the information available to us, we must consider ways of improving access to primary sources and ensuring subsequent verification. We must also improve our ability to monitor situations in a continuous fashion. It is clear that, as the information-load increases, a small group of experts acting part-time on a pro bono basis inevitably encounters limitations, especially given the strain on the precious resources of the Centre for Human Rights and the existence of administrative hurdles. While many of these problems are the direct result of chronic under-funding and critically inadequate resources, there are also structural flaws which need to be overcome.

The fact that the system has evolved in a gradual manner explains why it has never benefited from a coherent administrative design in its construction. The special procedures have only received tentative institutional support. Substantive work has also been problematic because of the lengthy delay in the approval of mandates: several months are lost each year between the adoption of the resolutions by the Commission and their approval by the Economic and Social Council. During this period, the victims are left to their own fate. The absence of regular budgetary allocations also undermines our effectiveness. Indeed, each of us should know what financial resources we may rely upon so as to enable meaningful planning. Unfortunately, despite positive steps in the last couple of years, such as the decision to extend established thematic mandates for periods of three years, the negative implications of the budgetary and scheduling problems remain considerable.

The promotion and protection of human rights require a universal system of monitoring. In this respect, the established system constitutes an essential element of the means available to the United Nations. The experience gained can thus make a positive contribution to overcoming the challenges of our time.

Mandates, whether thematic or country-specific, should be given for reasonable periods so as to permit continuous in-depth work. After all, we must face the hard reality that we will have to deal with the problems of torture, disappearance and extrajudicial execution for a long time to come. Sadly, such gross violations are common to all mandates, including phenomena like religious intolerance and internal displacement.

In dealing with such serious matters, one cannot but emphasize the importance of field missions which enable us to acquaint ourselves with the objective reality of situations. The clarity gained in the process is vital to accurate assessments and reporting, which also serve the best interests of the Governments concerned. Consequently, field missions should be seen by Governments as a natural component of every mandate. In the same context, there is also a need for appropriate follow-up to be secured for such missions or, indeed, any intercessions, since the processes undertaken often cannot satisfactorily be conducted without subsequent review.

Institutionally, the work of the special procedures should be integrated into the overall work of the United Nations. This is to say that the complementary and efficient use of the capacities and resources of the United Nations should be used to assist in the receipt, verification and transmission of information concerning human rights. Coordination must be enhanced on at least three levels: among the special procedures themselves, between the special procedures and the treaty-based bodies, and between the special procedures and the larger United Nations system. In terms of making greater use of the system as it already exists, the work of the procedures could be better harmonized, beginning with periodic meetings of all special procedures experts and through joint examination of thematic reports or through joint missions. One very promising development is that, for the first time ▒ namely in the former Yugoslavia ▒ a Special Rapporteur has been assisted by the thematic rapporteurs and supported by a team of field monitors.

Beyond the Human Rights Programme itself, coordination should be achieved among other United Nations departments and the specialized agencies in a truly integrated approach to human rights. This could be partly accomplished by instituting a human rights reporting responsibility in United Nations field offices and operations. In this way, and in view of limited resources, existing valuable information, knowledge and access could be put to better use. Working together, much can be achieved. Human rights work should no longer be relegated and compartmentalized, but should permeate the Organization. For example, the results of the special rapporteurs' work could be better taken into account by other bodies of the United Nations to the extent that efforts are concerted in fulfilling the aims and objectives of the Charter. To this end, greater and more effective publicity for their reports is essential.

The work of the special procedures may also be a valuable source of information and experience ▒ thanks notably to the non-governmental organizations, to which we pay tribute ▒ in the refining of existing standards and in proposing overall solutions, particularly in negotiating processes concerned with situations of internal strife.

Of course, while we imagine how the system may be improved, we must also be careful to preserve what has been achieved. To preserve the independence and credibility of the procedures and to secure the confidence necessary to build upon them, the United Nations must provide the required resources. Despite our best efforts, we sometimes appear ineffective in critical situations simply because the most basic support structure is not available, or because of inexcusably bureaucratic attitudes in administrative and

budgetary offices of the Secretariat. How can we allow piles of individual cases to lie unprocessed and unanswered because of inadequate human and material resources? If this continues, what will be the meaning of the catalogue of standards? Moreover, in terms of financial resources, what we are speaking about seems almost ridiculous given the minimal sums at stake compared with the overall resources of the United Nations.

We are not here to champion our work. We are here, in our independent role, to offer our views at this critical juncture. A world in transition is challenging what has been achieved and we must rise to the occasion in defence of the human rights values that are at the core of the United Nations. In fact, as insecurities mount, the world seems to be rediscovering the lesson of the Second World War: that respect for human rights is integral to the maintenance of peace and security. Indeed, in his report on the work of the Organization, the Secretary-General has clearly proposed "empowering ... expert human rights bodies to bring massive violations of human rights to the attention of the Security Council together with recommendations for action". We note that there is already a precedent in the case of the former Yugoslavia. This development should be encouraged.

We submit that a developed system of human rights implementation featuring a universally representative and diverse group of independent experts offers considerable possibilities for supervising respect for human rights; the system must be supported by a strong Centre for Human Rights. Such an effort would also offer some guarantee against the risk of the procedures being politicized and the already too-limited resources being dissipated. In this way, we may be able to contribute to the strengthening of the work of the United Nations - and, indeed, to the Organization's credibility - in both the promotion and protection of human rights.

In conclusion, the special rapporteurs, representatives, experts and members and chairmen of working groups of the special procedures recommend the following:

1. Procedures and mechanisms should be established for reasonable periods of time, not suffer delays in their approval by competent bodies, include field missions as a natural component and, as necessary, obtain the support of field monitors. In all cases, missions should be appropriately followed up.

2. Special rapporteurs, representatives, experts and members and chairmen of working groups should be enabled to harmonize their work through periodic meetings, joint examination of thematic reports and, as appropriate, joint missions.

3. The work of the special procedures should benefit from access to information available at United Nations offices throughout the world and their reports should be taken into account by United Nations bodies, including, as appropriate, the Security Council. Similarly, reports should be widely publicized and disseminated.

4. To achieve the above and support the effective work of the procedures and mechanisms, human and material resources must be raised to a

level commensurate with the responsibilities carried by each procedure. Sufficiently flexible administrative procedures must also be devised so as to allow for maximum efficiency, especially in urgent situations.

My colleagues and myself wish to express our appreciation for the opportunity to meet [redacted] for the first time in the history of special procedures [redacted] as a result of the World Conference. We would therefore like to thank the Conference organizers, especially the Secretary-General of the World Conference, Mr. Ibrahima Fall, as well as his collaborators. For my colleagues, and for myself, this meeting has been a significant, enriching and encouraging experience. We thank all those who have shared it with us.